

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed March 31, 2005, is respectfully requested. Claim 17 has been amended. Claims 1-20 remain pending. Support for the amendments can be found in the specification at, e.g., Figs. 11A and 11B and page 28, line 5 – page 29, line 2. Therefore, these amendments have been made without the addition of new matter.

Art Rejections

Claims 17-19 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Heller et al. (WO 96/07917), taken in view of Pethig et al. (J. Biotechnol. 1996).

Applicants respectfully assert that the cited references do not teach or suggest all of the limitations of the amended claims. Claim 17 has been amended to specify that “*first reaction area and the second reaction area are partially separated by a partition that is impermeable to a fluid.*” Heller et al. does not teach or suggest a flow chamber having a first reaction area and a second reaction area that are “*partially separated by a partition that is impermeable to a fluid.*” As seen in Fig. 6 of Heller et al. (and accompanying description on page 18, line 14 – page 19, line 22), the crude DNA selector (68) and Restriction Fragment Selector (70) are not separated by such a partition. Claims 18-20 are dependent on claim 17 and are therefore patentably distinct from the cited art for the same reasons as applicable to claim 17. Therefore, applicants respectfully request withdrawal of the rejection and reconsideration of the claims as amended.

Allowable Subject Matter

Applicants gratefully acknowledge that the examiner has indicated that claims 1-16 are allowed.

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,
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